

L11917B

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of License 11917B - Permit 16198 - Application 23654B

ULYSSES F. LOLONIS AND JOFRID LOLONIS

ORDER APPROVING CORRECTIONS TO PLACE OF USE
ADDING ENDANGERED OR THREATENED SPECIES TERM
AND AMENDING THE LICENSE

SOURCE: Unnamed stream tributary to West Fork Russian River

COUNTY: Mendocino

WHEREAS:

1. License 11917B was issued to Ulysses F. Lolonis and Jofrid Lolonis pursuant to Application 23654B and was recorded with the County Recorder of Mendocino County on July 19, 1991.
2. A petition to correct the description of the place of use was filed with the State Water Resources Control Board (SWRCB) on January 9, 2001, and the SWRCB has determined that good cause for such a correction has been shown.
3. The SWRCB has determined that the petition for correction in the place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Fish and wildlife, and plant species have been or may be listed under the federal Endangered Species Act/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT LICENSE 11917B IS AMENDED TO READ AS FOLLOWS:

1. The condition of the license regarding the description of the place of use be corrected to read:

Recreational use at Upper Reservoir with in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 3, T16N, R12W, MDB&M, and irrigation, frost protection, and heat control as follows:

16 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 3, T16N, R12W, MDB&M

14 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 3, T16N, R12W, MDB&M

30 acres total, as shown on map on file with State Water Resources Control Board.

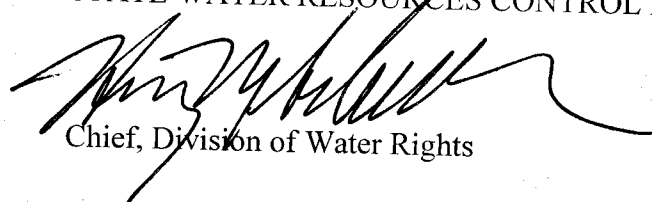
2. License 11917B is amended to include the following Endangered Species condition:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A.) Sections 1531 to 1544). If a "take" will result from any act authorized under this right, the licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

Dated: **MAR 20 2001**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 23654B
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PERMIT 16198

LICENSE 11917B

This is to Certify, That

Ulysses F. Lolonis and Jofrid Lolonis
2901 Road B
Redwood Valley, CA 95470

have the right to use waters of Unnamed Stream in Mendocino County tributary to West Fork Russian River
thence Russian River

for the following purpose: Irrigation, Frost Protection, Heat Control, and Recreational uses

Amended License 23654B supersedes the license originally issued on July 9, 1991, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of Permit 16198. The priority of this right dates from December 14, 1970. Proof of maximum beneficial use of water pursuant to Application 23654B was made as of July 24, 1985 (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed two-tenths (0.2) cubic foot per second by direct diversion to be diverted from March 1 to June 30 of each year and eighteen and eight-tenth (18.8) acre feet per annum by storage to be collected from November 1 of each year to June 30 of the succeeding year in Upper Reservoir. The total amount of water taken from the source (direct diversion plus collection to storage) for all uses shall not exceed 53.8 acre-feet per year. The total amount of water to be placed to beneficial use (direct diversion plus withdrawal from storage) shall not exceed 53.8 acre-feet per year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time, if there be no interference with other rights.

(0000027)

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005)

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION IS LOCATED:

Due East 600 feet and W $\frac{1}{4}$ of section 3, T16N, R12W, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said section 3.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreational use at Upper Reservoir within SW of NW of section 3, T16N, R12W, MDB&M.
And irrigation, frost protection, and heat control as follows:

16 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 3, T16N, R12W, MDB&M

14 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 3, T16N, R12W, MDB&M

30 acres total, as shown on map on file with State Water Resources Control Board.

Licensee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practical to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this license may be released.

(0050043)

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.


Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **MAR 20 2001**

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

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APPLICATION 23654B PERMIT 16198 LICENSE 11917B

THIS IS TO CERTIFY, That

Ulysses F. Lolonis and Jofrid Lolonis
2901 Road B
Redwood Valley, CA 95470

have made proof as of July 24, 1985 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
an Unnamed Stream in Mendocino County

tributary to West Fork Russian River thence Russian River

for the purpose of Irrigation, Frost Protection, Heat Control, and Recreational uses

under Permit 16198 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from December 14, 1970 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed two-tenth (0.2) cubic foot per second by direct diversion to be
diverted from March 1 to June 30 of each year and eighteen and eight-tenth (18.8) acre-feet per annum
by storage to be collected from November 1 of each year to June 30 of the succeeding year in Upper
Reservoir. The total amount of water taken from the source (direct diversion plus collection to
storage) for all uses shall not exceed 53.8 acre-feet per year. The total amount of water to be
placed to beneficial use (direct diversion plus withdrawal from storage) shall not exceed 53.8
acre-feet per year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time, if
there be no interference with other rights. (0000027)

This license does not authorize collection of water to storage outside of the specified season to offset
evaporation and seepage losses or for any other purpose. (0000005)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Due East 600 feet from $W\frac{1}{2}$ corner of Section 3, T16N, R12W, MDB&M, being within $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of said
Section 3.